THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27397 OF 2005

DATED: 26-12-2005

Between:

M.Trimurthulu . . .Petitioner

And

The Chairman & Managing Director,

A.P. Transmission Corpn Ltd., Hyderabad

and others . . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27397 of 2005

O R D E R:

The petitioner challenges the communication, dated 25-10-2005, received by him from the third respondent herein. The matter relates to the claim of the petitioner for appointment in terms of B.P.Ms.No.36, dated 18-05-1997.

The erstwhile A.P. Electricity Board formed a scheme for regularization of the contractual labourers, who have been engaged in certain prohibited categories. The petitioner was also called for the interview. His case was rejected on the ground that he did not establish his case that he worked as a contract labourer in the prohibited category at the relevant point of time. Thereupon, the petitioner filed WP.No.5158 of 2003. The said writ petition was disposed of with a direction to the respondents to consider the case of the petitioner afresh.

The third respondent addressed a letter, dated 08-01-2005, to the petitioner stating that the petitioner did not hold the qualification for the post of LDC and that the certificate of engagement produced by him is not genuine. The petitioner filed WP.No.2421 of 2005 challenging the letter, dated 08-01-2005. Following the judgment rendered in WP.No.3053 of 2005, dated 13-06-2005, this Court had set aside the letter, dated 08-01-2005, and directed the third respondent to consider the matter afresh. Through the impugned order, the third respondent informed the petitioner that his case cannot be considered in view of the fact that the service certificate relied upon by him does not bear the date on which either the Contractor or Departmental Official had signed it. Several other reasons have also been stated.

Learned counsel for the petitioner submits that the very fact that the name of the petitioner was included in the list of casual labourers and that he was invited to the interview discloses that his claim was genuine and that it was not open to the respondents to deny the benefit to the petitioner under

B.P.Ms.No.36, dated 18-05-1997.

Learned Standing Counsel for the respondents, on the other hand, submits that when the very basis of claim of the petitioner is shaky, the question of extending the benefit, to the petitioner does not arise.

The scheme framed under B.P.Ms.No.36, dated 18-05-1997, conferred extraordinary benefits to the persons who have been engaged as contract labourers in the prohibited categories at a particular point of time. It is only when it is established that an individual has been so engaged, the benefit can be extended. The petitioner was required to satisfy the respondents that he has been engaged by a labour contractor, who in turn, was awarded a contract in relation to a prohibited category of work. The certificate issued by the Contractor was required to be counter-signed by the officials, duly verifying the nature of contract, its duration, the requirement of manpower and the actual engagement of the workers. For this purpose, he was required to examine the muster roll and other relevant records.

In the instant case, the petitioner relied upon a certificate said to have been issued by Mr. N.V.L.Narasimha Rao. It does not contain any date either in the top or bottom, or under the signatures of the persons, who are said to have signed it. The contents are also as vague as they could be. On the one hand, it is said that the petitioner had worked during the period from 01-04-1992 to 31-03-1999 and on the other hand, the agreements referred to in it are, those relating to the year 1997-99. In these circumstances, the petitioner cannot be said to have established his case for consideration. No exception can be taken to the impugned order.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

26th DECEMBER, 2005.

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